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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,141	10/17/2003	Cheng-Fang Hsiao	1496-940	8235

7590  
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11/22/2004

EXAMINER

NGUYEN, TRAN N

ART UNIT PAPER NUMBER

2834

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,141

Applicant(s)

HSIAO, CHENG-FANG

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 5-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brown et al** (US 4,553,075) in view of **Suzuki et al** (US PgPub 2002/0050747 A1).

**Brown** discloses cooling fan structure (figs 1-2) comprising:

a base (31, 33) having an interior opening of a circular configuration;

a rotor (11)

a stator (12) mounted in said base; wherein the ring stator having a receiving space thereof for accommodating the rotor;

a plurality of blades (17) mounted pivotally in a receiving space of said ring stator;

a connection ring (16) circumventing the blades; and

a magnet ring (14) of rotor (11) fastened to a side of said connection ring (16) opposite said plurality of blades (17), said magnetic ring rotor means for being induced by stator coil to drive said plurality of blades in rotation.

Brown substantially discloses the claimed invention, except for the limitations of a ring stator mounted in said interior opening of said base, said ring stator having an annular periphery with a

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coil wrapped around entirely therearound, and a series of polar claws being bent along an inner side of said ring stator opposite said coil; furthermore, wherein the stator ring having a series of two or more sets of polar claws and an upper coil set and a lower coil set, so as to arrange two sets of ring stator in an alternate manner, the claw poles are insulated by plastic material.

**Suzuki**, as shown in fig 2, teaches a permanent magnet motor constructed mainly by a stator unit (18) configured as an annular ring having inner space to accommodate the magnet rotor ring (19) therein. The stator unit (18) includes a pair of stator sub-assembly rings (5, 5). Each stator sub-assembly ring (5) comprises stator yokes (9 and 10) and a ring coil (8) ring stator having an annular periphery with a coil wrapped around entirely therearound. The stator yokes (9 and 10) are made of a steel plate of a soft magnetic material, have a plurality of respective pole teeth (13a and 13b) that are orthogonally bent, and are coupled to each other to form a doughnut shape with the plurality of pole teeth at its inner circumference for accommodating the magnet rotor ring therein. Two stator sub-assembly rings (5, 5) are attached to each other in a back-to-back manner and integrally molded by resin. Suzuki teaches that such an outer stator configuration being incorporated with an inner magnet ring rotor positioned within the hollow space of the outer stator would minimize vibration by reducing cogging resulting in optimum performance of the motor.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the fan motor with the stator structure, as taught by Sukuzi. Doing so would enable the fan motor to obtain optimum performance.

Furthermore, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). *In this case, Suzuki teaches*

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*an claw-pole outer stator with ring-shaped configuration that having hollow inner space for accommodating a continuous ring shaped permanent magnet rotor for reducing vibration, cogging and improve torque to optimize the performance of the motor. Those skilled in the art would understand that the Brown's motor structure also having an outer stator and an inner continuous magnet rotor ring. Thus, the art is analogous and it would have been obvious to one skilled in the art to modify the Brown's motor by constructing the motor with the Suzuki's teaching of a claw-pole stator-ring structure having stator poles and stator coil continuously surrounding the magnet ring rotor not only to reduce cogging and vibration but to optimize the magnetic flux interaction therebetween the rotor and the stator for enhanced performance of the motor.*

Regarding the Suzuki's motor is not specifically taught to be used in a fan as motor fan, the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, *in this case a motor provide rotation torque which can be employed in a fan for the function of rotating the fan's blades*, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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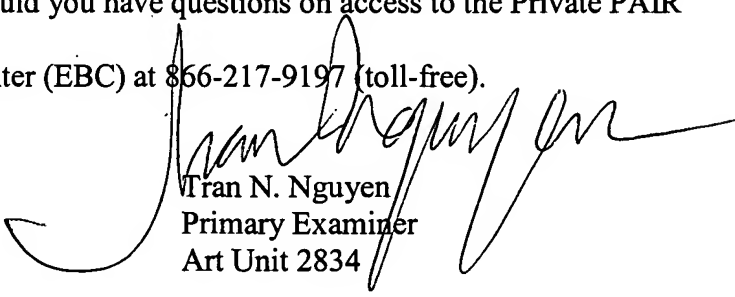
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tran N. Nguyen  
Primary Examiner  
Art Unit 2834